

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

DAVID A. PRATT,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,

Defendant.

CV 22-88-GF-JTJ

ORDER

Plaintiff David A. Pratt (Pratt) has moved for an award of attorney's fees in the amount of \$6,554.83 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). The Acting Commissioner of the Social Security Administration (Commissioner) does not oppose the motion. (*See* Doc. 17 at 2).

The Court has reviewed Pratt's application. The requested fee award represents 27.9 attorney hours at a fee rate of \$234.94 per hour. (Doc. 17 at 2-3). The Court finds that the application is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If the plaintiff has no debt that qualifies as an offset under the Treasury Offset

Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, *2 (D. Mont. Sept. 7, 2018).

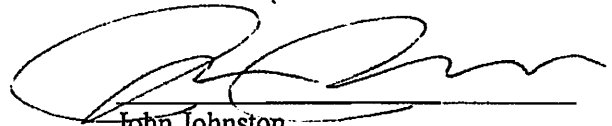
Accordingly, IT IS HEREBY ORDERED:

1. Pratt's Motion for an Award of Attorney's Fees under EAJA (Doc. 17) is GRANTED. Pratt is entitled to an award of attorney's fees under 28 U.S.C. § 2412 in the amount of \$6,554.83, less any offset allowed under the Treasury Offset Program.
2. If, after receiving this Order, the Commissioner determines that Pratt owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Pratt in the amount of \$6,554.83 less the amount of the offset. Pratt's award check should be mailed to Pratt's attorney, James P. O'Brien, at the following address:

O'Brien Law Office, P.C.
P.O. Box 7936
Missoula, MT 59807-7936
3. If the Commissioner determines that Pratt has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Pratt has assigned his right to the EAJA fee award to his attorney, the Commissioner should

make the check payable to James P. O'Brien.

DATED this 24th day of August, 2023.

A handwritten signature in black ink, appearing to read "John Johnston", written over a horizontal line.

John Johnston
United States Magistrate Judge